

CASE MANAGEMENT

CIC 088 Good Cause Deferral/Waiver for CIC Cases

New 06/02 Revised 06/18/02

R495-879

Pursuant to Administrative Rule [495-879](#), a Good Cause Deferral or Waiver request can be made to possibly reduce or waive a parent's support payments without modifying the support order. The process to obtain a waiver /deferral applies only after the support amount is determined and the order for support is issued.

Forms Overview

DHS Form 602 – This form should be completed by the Division or Institution who has custody of the child or who is providing services to the child on behalf of the parent(s). Generally this will be the case manager or someone working closely with the child and the parents. See procedures below for further information.

Good Cause Deferral/Waiver Criteria

1. If a parent(s) requests that a Good Cause Deferral or Waiver request be submitted on his/her behalf, or if the case manager believes a request for a waiver or deferral is appropriate, consider the following:
 1. Will the collection of support prevent a child from receiving necessary medical care or other essential care?
 2. Are the parent's circumstances unusually different from other parents with children in care?
 3. Due to the child's special needs or the parent's unusual circumstances, will the payment of a support debt prohibit the re-unification of the child back into the home?
2. The custodial agency may also ask ORS to **postpone** collection activity because of unpreventable but temporary losses or expenditures of income affecting the family's well being that did **not** exist at the time the order was taken. Examples of unpreventable losses/expenditures include the following:
 1. Medical expenditures (not covered by insurance) for such things as necessary orthodontic care, psychiatric care, or any cost of medical care that exceeds maximum insurance benefits, etc. **This does not include routine medical and dental care.**
 2. Necessary home repairs following uninsured disasters to property. **This should not include expected maintenance work, such as replacing carpeting, shingles, appliances, and so forth.**
 3. Forced (non-voluntary) unemployment due to a reduction in force or a documented medical disability prohibiting continued work with the same employer (parents must seek other employment if possible and then be reassessed).

4. Continuous non-payment of support to the family by an absent parent, which was **not** a factor at the time the administrative order was set.
3. The custodial agency may also request a **permanent waiver** in the following situations:
 1. The circumstances that justify the waiver of the **current support** are expected to be long-term and the child will soon turn 18.
 2. The payment of **arrears** will prohibit the re-unification of the child with the family and the circumstances are expected to remain for the foreseeable future.
 3. The payment of current support and/or arrears may interfere with treatment or services for the child.
1. A Good Cause Deferral or Waiver **should not** be requested for the following reasons:
 1. Collection of support will reduce a family's standard of living. Some degree of financial hardship is expected for parents (and the current family) while paying child support.
 2. Support payments are placing an unusual amount of stress on the parent(s).
 3. The State did not successfully treat the child.
 4. The case worker or eligibility worker did not adequately inform the parents about their support obligation or told the parents there would be no support obligation.
 5. The parents have too many other expenses/debts. ORS or the Administrative Hearings Office has already determined if any expenditures/debts should affect the ongoing support amount. Only debts incurred for **essential** needs after the order has been established should be considered.

Good Cause Deferral/Waiver Process

1. Once it is determined that a Good Cause Deferral or Waiver request is appropriate, use the following process:
 1. The caseworker will complete the DHS Waiver [Form 602](#). The form should be specific as to why a deferral or waiver should be considered. Include any documentation that would support the request (i.e., a statement from a doctor or an employer).
 2. Once the form is completed, the caseworker will submit the form to his/her Region Director or Supervisor.
 3. The Region Director or Supervisor will either approve or deny (or defer to ORS) the waiver request. If the request is denied, it will be returned directly to the caseworker.
 4. If approved, the form shall be forwarded to the Division Director or Superintendent of the Institution.
 5. If the Director or Superintendent agrees with the request, it will be forwarded to ORS.

6. The ORS/CIC Regional Director will review the request. If the request is based on the Division or Institution's assessment that ORS involvement will interfere with treatment or reunification, ORS will take action to defer or waive any further action. If the request is being made on another basis the ORS/CIC Regional Director will review the request and its records and will then send its response back to the Division Director or Superintendent.
 - i. The ORS/CIC Regional Director will record the waiver request information in the ORS/CIC Good Cause Waiver Request log found on the shared drive at I:CICADMIN/Waiver-Deferral Log/Waiver-Deferral Log.
7. If the Division Director or Superintendent disagrees with the ORS/CIC Regional Director's decision, the request will be sent with comments to the Executive Director of the Department (or designee) for a decision.
8. The Executive Director or designee will inform both the ORS/CIC Regional Director and the Division Director or Superintendent of the final decision.